

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 3297 of 1999
Date of decision: April 30, 2013

Piara Singh and others

..... Appellants

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present:- Mr. Vikas Singh, Advocate
for the appellants.

Mr. Vishal Garg, AAG., Punjab.

K. Kannan, J (oral).

1. The appeal is for enhancement of compensation for acquisition of property. The details of which are brought out in the tabulation below:-

Details of Award for compensation

<i>Date of notification u/s 4</i>	<i>11.5.1976</i>
Village	Morinda
Total extent acquired	16B 2B
Purpose of acquisition	For Bus stand
Collector's award	Categories:(Chahi,barani,gairmumkin)
Reference Court	Categories:(Chahi,barani,gairmumkin) 90,000/- per acre

Sale Instances *

S.No.	Date	Extent	Consideration	Value per acre/sq.yd/sq.ft/sq.mtr.	Located in rough sketch Yes/No
By Claimant					
Ex.AX/1	29.9.75	10biswas	24500/-	19600/-	Gair Mumkin

S.No.	Date	Extent	Consideration	Value per acre/sq.yd/sq. ft/sq.mtr.	Located in rough sketch Yes/No
Ex.AX/2	18.8.70	4 Biswas	20,000/-	8,00,000/-	Giar Mumkin
By State					
Ex.R-1	1.8.75	2,2/3biswa	3,000/-	90,225/-	Gair Mumkin
Ex.R-2	21.11.75	4 Biswas	2400/-	41739/-	
Ex.R-3	3.12.75	5 Biswas	4000/-	64,000/-	
Ex.R-4	26.3.76	2 Biswas	25,000/-	40,000/-	

2. The Reference Court, on appreciation of documents tendered before it, held that the two sale deeds produced by the landlord pertain to sale transactions which were of a very small extent of 10 biswas and 8 biswas but also rejected the documents brought through the State as Ex.R-1 to R-4 on the ground that the sale transactions were situated in a far away place. The most proximate sale deed as per the judgment was the property in Ex.AX-2 which was stated to be 4 biswas away but still it had problem about referring to a transaction which was more than six years prior to the Section 4 notification. The further problem was that it referred to a very small extent of 4 biswas which was 1/20th of an acre while the property acquired was about 2 acres of land for establishing the bus stand. While determining the compensation the Reference Court observed that earlier for the same property his predecessor has determined ₹80,000/- which was set aside by the High Court and therefore he has fixed the compensation at ₹90,000/-. The manner of assessment was clearly wrong. When the judgment

already rendered was being set aside by the High Court that could not have been a basis for making a small escalation.

3. The price as determined by the Court invariably have to be anchored to the documents brought before it with all the fallibilities that such documents admit of. If therefore the documents filed by the respondent were all to be discarded because they were with reference to sale instance at far away place and the more proximate was only Ex.AX-1, and Ex.AX-2 being not to be helpful since it was of a very smaller extent, considering that Ex.AX-1 a Gair Mumkin and the property acquired was an agricultural land, I would provide 30% cut on the value as brought through the transaction and take the value at ₹1,37,200/-. In the manner of applying of 30% cut I have minded the fact that the purpose of acquisition was for establishing a bus stand and the whole of the property was likely to be fully exploited with no further requirement of setting apart any common area in the scheme of development. Towards severance, I shall add another ₹12,800/- per acre.

4. The compensation assessed at ₹90,000/- by the Reference Court will stand enhanced to ₹1,50,000/- per acre with all statutory benefits. The award stands modified and the appeal is allowed to the above extent.

(K. KANNAN)
JUDGE

April 30, 2013
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